

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6962

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEVIN MILLER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Cameron McGowan Currie, District Judge. (CR-02-133-DWS; CA-03-3964-22-3)

Submitted: October 18, 2005

Decided: October 21, 2005

Before WIDENER, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kevin Miller, Appellant Pro Se. William Kenneth Witherspoon, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kevin Miller appeals the district court's order denying his "motion for recall of judgment,"¹ in which he asserted the court should have allowed him to withdraw his 28 U.S.C. § 2255 (2000) motion so that he could file a petition for certiorari with the Supreme Court in his direct appeal. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See United States v. Miller, Nos. CR-02-133-DWS; CA-03-3964-22-3 (D.S.C. May 16, 2005).² We deny Miller's pending motions for a certificate of appealability as unnecessary and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

¹Miller titled the motion as a "Motion to Recall Mandate." (R. 16).

²We also note that Miller did in fact file a petition for certiorari with the Supreme Court, which was denied June 28, 2004.